

Notice of Allowability

Application No.

10/660,258

Examiner

Crystal Jones

Applicant(s)

NAKATA ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication(s) filed on 10 September 2003.
2. ☒ The allowed claim(s) is/are 1-10 and 20-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

The wobble demodulator of:

- A. Figs. 1-5 [First Embodiment];
- B. Figs. 6-7 [Second Embodiment]; and
- C. Figs. 8-19 [Third Embodiment].

The species are independent or distinct because Species A differs from Species B in that the wobble signal decoder of Species A includes a shift detector. Species C differs from Species A and B in that the wobble demodulator of Species C includes a PLL Lock Determiner.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are considered generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are

added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

2. During a telephone conversation with Doug Mueller on April 18, 2006 a provisional election was made without traverse to prosecute the invention of Species A, Figs. 1-5 [First Embodiment], claims 1-5, 7-10, 20-25, and 27-30.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Doug Mueller on May 1, 2006.

Comments:

Claims 11-19 and 31-39 are cancelled.

Art Unit: 2627

The election of species between Species A and B is withdrawn upon the allowability of claims 1 and 21, which are generic to these two species, hence claims 6 and 26, drawn to Species B are allowed with claims 1-5, 7-10, 20-25, 27-30.

Claims 11-19 and 31-39 are drawn to Species C, and claims 1 and 21 are not generic thereto, hence these claims are cancelled.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Claims 1-10 and 20-30 are allowed over the prior art of record because the prior art of record, considered individually or in combination, fails to suggest or fairly teach a wobble demodulator or wobble demodulation method including: means for detecting a MSK modulation mark that compares a continuous predetermined number of absolute values of integrated values with a first threshold value for detecting a central portion of the MSK modulation mark, a second threshold value for detecting leading and trailing edges of the MSK modulation mark, and a third threshold value for detecting non-modulated portions before and after the MSK modulation mark, and detects the MSK modulation mark based on a pattern of a comparison result.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CITED REFERENCES

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi (U.S. Publication 2005/0088885).

Kobayashi discloses a wobble demodulator for reproducing digital information from an optical recording medium in which a track is formed in accordance with a wobble signal that is MSK-modulated so as to contain the digital information by a carrier signal with a predetermined frequency and a sine wave signal with a frequency different from that of the carrier signal, comprising: a multiplier for multiplying a

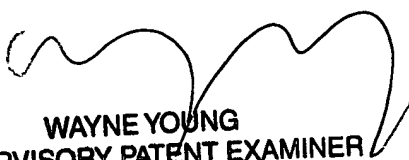
Art Unit: 2627

carrier signal by a wobble signal and outputting a multiplied output; and an integrator for integrating the multiplied output from the multiplier.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Jones whose telephone number is 571-272-2849. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

CJ